

**Enrolled Minutes of the Sixty-Seventh Regular or Special Meeting  
Of the Twenty-Sixth Highland Town Council  
Regular Meeting Monday, November 15, 2010**

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, November 15, 2010 at 6:30 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, Brian Novak, and Mark Herak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent meeting.

The study session ended at 6:59 O'clock p.m.

*Regular Meeting.* The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, November 15, 2010 at 7:00 O'clock p.m. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President Mark A. Herak presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

The session was opened with Councilor Dan Vassar leading the pledge of allegiance to the United States Flag and offering a prayer.

**Roll Call:** Councilors Bernie Zemen, Mark A. Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were also present.

*Also present:* Patrick Vassar, Assistant Metropolitan Police Chief; Police Officer Scott Shaginaw; Lisa Gauthier of the Community Events Commission was present.

Robin Carlascio of the Idea Factory and Editor of the municipal newsletter was also present.

**Minutes of the Previous Sessions**

The minutes of the regular meeting of 18 October 2010 and the special meeting of October 29, 2010 were approved by general consent.

**Special Orders:**

1. **Ceremony:** Commissioning of Metropolitan Police Chaplain Candidate **Deacon Michael W. Halas and Rev. Keith Virus.** Police Chaplain Candidates Halas and Virus were appointed

by the Town Board of Metropolitan Police Commissioners at its meeting of November 11, 2010, with appointment to be effective upon his commissioning.

- (a) The Clerk-Treasurer presented the Interrogatories to the Candidates and having found the responses to be appropriate, recommended the commissioning of the chaplain-candidates.
  - (b) Town Council action to affirm the action of the Metropolitan Board of Police Commissioners and to authorize the chaplains' commission. Councilor Zemen moved and Councilor Kuiper seconded the affirmation of the appointments and authorized the commissions to the Chaplains-candidates. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Chaplains were commissioned.
2. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2010 Budget of the **Special Public Safety Fund in the amount of \$48,000 and in the Park Non-Reverting Capital Fund, in the amount of \$61,000.**
- (a) Attorney verification of Proofs of Publication: The TIMES 4 November 2010. The Town Attorney indicated that the proofs of publication would be reviewed following the hearing for compliance with IC 5-3-1. (The proofs were found in order)
  - (b) **Public Hearing.** The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
  - (c) Action on **Appropriation Enactment No. 2010-51:** An Enactment Appropriating Additional Moneys in Excess of the 2010 Budget in Excess of the Annual Budget for the **Special Public Safety Fund in the amount of \$48,000 and in the Park Non-Reverting Capital Fund, in the amount of \$61,000**, pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq. Councilor Kuiper introduced and moved the consideration at the same meeting of introduction of Appropriation Enactment No. 2010-51. Councilor Vassar seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered in the same meeting of introduction.

Councilor Vassar moved the passage and adoption at the same meeting of introduction of Appropriation Enactment No. 2010-51. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted in the same meeting of introduction.

TOWN OF HIGHLAND  
APPROPRIATION ENACTMENT  
ENACTMENT NO. 2010-51

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the PARK NON-REVERTING CAPITAL FUND and the SPECIAL PUBLIC SAFETY FUND, PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Park Non-Reverting Capital Fund and the Special Public Safety Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Park Non-Reverting Capital Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

PARK NON-REVERTING CAPITAL FUND

<b>Decrease</b>		
Acct. No. 3XX.XX:		<u>\$ 2,233.89</u>
	<i>Total Series:</i>	\$ 2,233.89
<b>Increase</b>		
Acct. No. 420.03 Trucks:		<u>\$ 61,000.00</u>
	<i>Total Series:</i>	\$ 61,000.00
<b>Total for Fund:</b>		<u>\$ 61,000.00</u>

**Section 2.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

SPECIAL PUBLIC SAFETY FUND

Acct. No. 3XX.XX Professional Services:		<u>\$ 48,000.00</u>
	<i>Total Series:</i>	\$ 48,000.00
<b>Total for Fund:</b>		<u>\$ 48,000.00</u>

**Section 3.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies are made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 4.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 15<sup>th</sup> Day of November 2010. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 15<sup>th</sup> Day of November 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Mark A. Herak, President (IC 36-5-2-10)**

**ATTEST:**

**Michael W. Griffin, IAMC/MMC/CPFA**  
**Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

**Staff Reports:** The Council received the following reports as information for the record:

• **Building & Inspection Report for October 2010**

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial Buildings:	0	0	0	\$0.00	\$0.00
Commercial Additions or Remodeling:	8	0	8	\$124,295.00	\$3,002.50
Signs:	1	0	1	\$856.00	\$254.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential Additions:	0	0	0	\$0.00	\$0.00
Residential Remodeling:	104	104	0	\$611,033.50	\$11,946.00
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	7	7	0	\$21,721.00	\$1,218.00
Fences	10	10	0	\$34,294.00	\$1,001.50

Swimming pools:	0	0	0		\$0.00
Drain Tile	4	0	4	\$13,966.00	\$413.00
/Waterproofing					
Misc. see notes below:	4	4	0	\$6,370,000.00	\$570.50
<b>Total:</b>	<b>138</b>	<b>125</b>	<b>13</b>	<b>\$7,176,165.50</b>	<b>\$18,406.00</b>
<b>Electrical Permits</b>	<b>15</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>\$2,879.00</b>
<b>Mechanical Permits</b>	<b>15</b>	<b>12</b>	<b>3</b>		<b>\$1,223.50</b>
<b>Plumbing Permits</b>	<b>13</b>	<b>12</b>	<b>1</b>		<b>\$ (no value provided)</b>
<b>Water Meters</b>	<b>1</b>	<b>0</b>	<b>1</b>		<b>\$230.00</b>
<b>Water Taps</b>	<b>1</b>	<b>0</b>	<b>1</b>		<b>\$200.00</b>
<b>Sewer/Storm Taps</b>	<b>3</b>	<b>3</b>	<b>0</b>		<b>\$900.00</b>
<b>Total:</b>	<b>18</b>	<b>15</b>	<b>3</b>		<b>\$1,330.00</b>

**October Code Enforcement:** 196 warnings issued and 4 citations were issued.

There were 42 building inspections, 12 plumbing inspections, and 24 electrical inspections. There were four (4) electrical exams given.

The four miscellaneous permits issued under the residential category include the following:

Lincoln Center Reconstruction/Renovation:	\$6,000,000.00	\$ 206.50
Modifications to High School Baseball field:	\$ 205,000.00	\$ 97.00
Addition to storage building at High School:	\$ 48,000.00	\$ 170.00
Parking Lot Addition to School Adm. Center:	\$ 117,000.00	\$ 570.00

It is noted that Building Permits Fees were waived for the above projects per ordinance No. 1333. So only fees were for plan reviews and inspections only. 3 storm taps were (\$900) were for the baseball field project at the High School.

• **Fire Department Report for October 2010**

	Month	Y.T.D.
General Alarms	6	119
Car Fires	3	12
Still Alarms	9	55
Ambulance calls	0	0

• **Workplace Safety Report for October 2010**

There were no incidents in October. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2010	Total in 2009	Restricted Days 2010	Lost Workdays This Year	Restricted Days Last Year (2009)	Lost Workdays Last Year (2009)
Parks	0	2	2	25	3	0	0
Fire	0	1	0	0	0	0	0
Police	0	8	9	39	23	0	0
Street	0	0	4	0	0	0	0
Water & Sewer	0	1	4	30	0	18	82
Maint.	0	1	0	68	0	0	0
Other	0	1	0	0	0	0	0
<b>TOTALS</b>	<b>0</b>	<b>14</b>	<b>19</b>	<b>162</b>	<b>26</b>	<b>18</b>	<b>82</b>

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

**Unfinished Business and General Orders:**

1. **Proposed Ordinance No. 1481.1375-0:** An Ordinance to Amend the Ordinance Adopted to Establish the Wage and Salary Rates of the Elected Officers, the Non-Elected Officers, and the Employees of the Town of Highland, Indiana particularly, authorizing and establishing a Change in the Manner of Pay Increases particularly for the Public Safety Clerk-Radio Operator and for the Parks and Recreation Department. *The ordinance is proposed to make technical corrections related to changes made in Public Safety Clerk Radio Operator and eliminates the two-tiered classifications for the position of Parks Specialist. The authorized number of workers and the pay range are unchanged.*

Councilor Novak introduced and moved the consideration of Ordinance No. 1481.1375-O at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Novak moved the passage and adoption of Ordinance No. 1481.1375-O at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of introduction.

**ORDINANCE No. 1481.1375-O  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to AMEND the ORDINANCE ADOPTED TO ESTABLISH THE WAGE and SALARY RATES of the ELECTED OFFICERS, the NON-ELECTED OFFICERS, and the EMPLOYEES of the TOWN of HIGHLAND, INDIANA, PARTICULARLY, AUTHORIZING AND ESTABLISHING A CHANGE IN THE MANNER OF PAY INCREASES FOR THE POST OF RADIO OPERATOR AND OF PUBLIC SAFETY CLERK-RADIO OPERATOR AND FOR THE PARKS AND RECREATION DEPARTMENT.**

**WHEREAS,** Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS,** Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

**WHEREAS,** I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS,** I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

**WHEREAS,** I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year;

**WHEREAS,** The Town Council of the Town of Highland, as the town legislative body, previously acted to fix the compensation of its elected officers, appointed officers and employees of the Town for the year ensuing, by passage and adoption of Ordinance No. 1375;

**WHEREAS,** The Town Council of the Town of Highland has been advised that modification to certain provisions of Ordinance No. 1375, as amended, would be desirable;

**WHEREAS,** The Town Council of the Town of Highland, as the town legislative body, now desires to further modify and fix the compensation of its elected officers, appointed officers and employees of the Town for the year and to further perfect the wage and salary ordinance,

**NOW, THEREFORE, BE IT HEREBY ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, that the Wages, Salaries, and special detail levels of the Officers and Employees of the Town of Highland, are hereby established and fixed, pursuant to the provisions indicated herein as follows:

**Provision 1.** That Section 10 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new section which shall be identified as Section 10 which shall read as follows:

**Section 10.** That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Metropolitan Police Department** as follows:

(a) **Chief of the Department**

Chief of Police ( 1 )

(A) Starting rate: If an initial appointment, the bi-weekly pay of the chief of police shall be fixed at \$ 2,417.00 bi-weekly.

(B) Incumbent Rate: \$ 2,675.13 bi-weekly.

(b) **Sergeants and Corporals**

(1)	Rank or Grade	Starting Rate	Incumbent Rate
	Sergeant ( 8 )	\$2,190.68	\$2,190.68 bi-weekly
	Corporal (10)	\$2,067.86	\$2,067.86 bi-weekly

- (2) In the event that the Town Board of Metropolitan Police Commissioners determine that is desirable or necessary to assign or detail an officer holding the rank or grade of **Sergeant** or **Corporal** to a specialty assignment or division transfer to the Crime Impact Unit of the Highland Police Department (CIU/HPD) or participates in a Multi-Jurisdictional law enforcement assignment (GRIT/FBI), while in that detail or on that assignment, the officer is to be paid at the rate set forth below, without loss of rank, and provided that the assignment and associated pay is *position-directed*, or *economically based*, and *non-disciplinary* in purpose:

Rank or Grade	Starting Rate	Incumbent Rate
Sergeant	\$2,067.86	\$2,067.86 bi-weekly
Corporal	\$2,021.67	\$2,021.67 bi-weekly

- (3) An assignment as described above will not modify in any way the authorized limit for the rank of Sergeant or Corporal as set forth in subdivision (b)(1) of this section.

(c) **Other Police Officers and Assignments.**

- (1) All initial appointments to the Metropolitan Police Department, regardless of previous law enforcement experience, shall be probationary in nature pursuant to Regulation 11 of the Metropolitan Police Department and under the authority of IC 36-8-9-7. The basis for promotion to the several grades (classes) will be based upon written guidelines, rules or regulations determined by the Town Board of Metropolitan Police Commissioners.

- (2) A candidate/officer possessing a Law Enforcement Academy certification is eligible for initial appointment to Police Officer classes 1-4. A candidate/officer possessing no Law Enforcement Academy certification is only eligible for initial appointment to Police Officer class 4.

	Starting Rate	Incumbent Rate
Police Officer 1	\$1,974.00	\$1,974.00 bi-weekly
Police Officer 2	\$1,741.02	\$1,741.02 bi-weekly
Police Officer 3	\$1,630.25	\$1,630.25 bi-weekly
Police Officer 4 (no LEA certification)	\$1,476.71	\$1,476.71 bi-weekly

- (3) The following represent assignments in the Metropolitan Police Department for which the following salaries are authorized. *The authorized number of position depicted in the parentheses is reduced to two (2) upon the assignment of a person to the position of Deputy Commander. At no time shall this ordinance be construed to permit three occupied assignments of Commander simultaneously with an assignment of Deputy Commander.* Persons so assigned shall be paid the greater of the pay attached to the actual service rank or grade of the assigned person or the pay associated with the listed assignments depicted as follows:

Division Commander ( 3 ) \$2,313.49 bi-weekly

If the position of Deputy Commander is filled, authorized number of Commanders is two (2).

Deputy Commander (1) \$2,190.68 bi-weekly

(4) The following rank has been deemed a **trace** rank. Only officers employed in good standing with the Metropolitan Police Department **on or before April 12, 2001** shall be eligible to elevation to the trace rank of Lance Corporal. This trace rank shall be conferred on all Patrol Officers First Class, who meet the date eligibility indicated, who have successfully completed ten (10) years of continuous service with the Highland Metropolitan Police Department and upon approval of the Town Board of Metropolitan Police Commissioners. Officers currently holding such rank will continue to hold such rank until their separation from service with the Metropolitan Police Department at the level of pay set forth in this ordinance. Having separated, an officer having once been eligible to hold the trace rank or having the trace rank at the time of separation shall not be eligible hold such rank if officer is later re-hired unless ordered by a court.

Lance Corporal \$2,021.67 bi-weekly

**(d) Other Associate Staff and Public Safety Dispatching Employees**

	Starting Rate	Incumbent Rate
*Support Services Administrator ( 1 )		\$1,615.38 bi-weekly
Secretary ( 1 )	\$14.85	\$17.49 per hr.
Police Records Clerk ( 3 2 )	\$12.30	\$12.30 per hr.
Police Records Clerk (part-time)		\$8.49 hr. - \$9.59 hr.
Animal Warden (part-time)		\$8.00 hr. - <b>\$15.00</b> hr.
<i>Effective July 12, 2009:</i>		
Animal Warden (part-time)		\$8.00 hr. - <b>\$15.00</b> hr.
Crossing Guard (part-time)		\$7.66 hr. - \$8.76 hr.
Sub Crossing Guard (part-time)		\$7.66 hr. - \$8.76 hr.
Metropolitan Police Chaplain ( 4 )		no pay
Matron or Clerk Duty (call-out) hourly rate - 2 hour minimum		
Off-Duty Court Time (2 hour minimum) hourly rate		

\* The terms of the employment agreement adopted by the Town Council on 29 June 2006 are incorporated and ratified by reference and by proper Resolution regarding the Support Services Administrator, pursuant IC 36-5-3-2 and IC 36-8-2.

**The following provisions apply to workers performing in the following positions before August 16, 2010:**

	Starting Rate	Six Mos. Rate	Incumbent Rate with Yr. or more Service
Radio Operator ( X )	\$13.01	\$14.39	\$17.45 hr.
Radio Operator (part-time)	\$13.01	\$14.39	\$17.45 hr.

**The following provisions apply to workers performing in the following positions after August 15, 2010:**

	Starting Rate: Level I 0-3 mos.	Solo Duty Rate: Level II <sup>xx</sup> 4-18 months
Radio Operator (4)	\$12.30 hrly.	\$13.65 hrly.
	Solo Duty w/IDACS Rate: Level III 19-36 mos.	Solo Duty Rate: Level IV Over 36 months
	\$15.05 hrly.	\$17.45 hrly.

Radio Operator (part-time) rates of pay are the same as for the full-time radio operator

xx Level II rate goes into effect after three months and after successful completion of probational period of \_\_\_\_\_.

**<sup>1</sup>Public Safety Clerk-Radio Operator (1)**

<sup>1</sup> This *full-time* position is performed by one (1) person, but will involve the tasks associated with the job descriptions of Records Clerk and Radio Operator. The rate of pay will be based upon the tasks being performed. When performing tasks associated with Records clerk, the rate of pay will be that as established by the wage and salary ordinance for a records clerk. When performing tasks associated with Radio operator, the rate of pay will be that as established by the wage and salary ordinance for a radio operator.

**(e) Special Detail Pay Provisions:**

- (1) Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at the following rate:

Special Duty/Highland Grove Security Detail: \$ 20 per hour\*\*

*\*\*Or at an hourly rate fixed as set forth in an agreement or memorandum authorized by ordinance of the municipality providing for special patrol zones and related agreements.*

- (2) Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at the following rate:

Special Community Events sponsored by the Municipality by one or more of its executive Departments, agencies, or councils:

1.5 times the base hourly  
wage rate of 1st Class  
Patrol Officer (w/o long.)  
(\$24.68 x 1.5 = \$37.02 hrly.)

- (3) Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignments or details will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant:

Lake County Task Drug Task Force  
Grant Supported Special Law Enforcement Detail(s) or Patrols  
(OWI;DWI;Sobriety Checks/Domestic Violence Duties/)

- (4) No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect;

**(f) Specialty Pay:**

( 1 )	I.D.A.C.S. Coordinator	30.00 per month
( 8 )	Each Motorcycle Officer	30.00 per month
( 4 )	Range Officers	30.00 per month
( 7 )	Field Training Officers	30.00 per month
( 2 )	Canine Officer	30.00 per month
( 1 )	Systems Administrator	30.00 per month

Specialty payments to be made for those months as prescribed by the Chief of Police in each category. Range instructors and motorcyclists are paid only during the months May through October.

**Provision 2.** That Section 11 of Ordinance No. 1375 as amended, be repealed in its entirety and replaced with a new section which shall be identified as Section 11 which shall read as follows:

**Section 11.** That subject to the provisions of this ordinance, the salary and wages for the non-elected officers and employees of the Town of Highland are hereby fixed for its **Parks and Recreation Department** as follows:

**(a) Supervisory Staff or Employees**

		Starting Rate	Incumbent Rate
Superintendent of Parks and Recreation	( 1 )		
With an employer provided vehicle:			\$2,265.12 bi-weekly
Without an employer provider vehicle:			\$2,399.33 bi-weekly



Director of Parks	( 1 )		\$1,877.57 bi-weekly
Director of Recreation	( 1 )		\$1,619.44 bi-weekly
Recreation Supervisor	( 3 )	\$ 1,130.93	\$1,130.93-\$1,204.40 biweekly

**(b) Associate Staff and Employees**

		Starting Rate	Incumbent Rate(s)
Park Secretary	( 1 )	\$13.51	\$13.51 per hr.
Park Repairs Specialist	( 1 )	\$14.69	\$15.76 per hr.
Park Specialist	( 9 )	\$10.36	\$10.36-\$15.02 per hr.
Park Specialist A	( x )	\$13.13	\$13.13-\$15.02 per hr.
Park Specialist B	( x )	\$10.36	\$10.36-\$11.11 per hr.

x The total authorized number of Park Specialists of either classification shall not exceed nine (9) when both classes are combined.

Laborers (part-time)	\$6.00-12.10 per hr.
Recreation Leaders (part-time)	\$5.85-12.10 per hr.
Recreation Program Instructors	\$ 6.00 - 50.00 per hr.

***Effective July 13, 2008:***

Laborers (part-time)	\$6.55-12.10 per hr.
Recreation Leaders (part-time)	\$6.55-12.10 per hr.
Recreation Program Instructors	\$6.55- 50.00 per hr.

***Effective July 12, 2009:***

Laborers (part-time)	\$7.25 -12.10 per hr.
Recreation Leaders (part-time)	\$7.25 -12.10 per hr.
Recreation Program Instructors	\$7.25 - 50.00 per hr.

Pursuant to IC 36-10-3-10(b), the Park and Recreation Board shall fix the compensation of the positions in which a range for salaries or wages are indicated in this Ordinance.

**Provision X.** That all portions of ordinances in conflict with this ordinance are hereby repealed and are of no further force nor effect;

**Provision X.** (A) That the effective amendments herein regarding the establishment of the position of Public Safety Clerk-Radio Operator become effective upon and after the passage and adoption of this ordinance, and not sooner than August 1, 2010;

(B) That the effective amendments herein regarding the new increments for which pay is changes for the radio operator and the Public Safety Clerk-Radio Operator become effective upon and after the passage and adoption of this ordinance, provided that any rates of pay paid to radio operators between August 15 and the date of the adoption of this ordinance are hereby ratified and approved, pursuant to IC 36-1-4, sections 15 and 16;

(C) That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions regarding wage changes in this ordinance.  
November 2010. Consideration on same day or at same meeting of introduction experienced a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 15<sup>th</sup> Day of November 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

2. **Proposed Ordinance No. 1482.1476-A:** An Ordinance of the Town of Highland, Indiana, Finally authorizing the issuance and sale of Recovery Zone Economic Development Bonds of the Town for the purpose of providing funds to be used for the construction and reconstruction of certain road improvements, together with related and incidental expenses in connection therewith and on account of the issuance of the bonds therefor. *The Town Council passed and adopted Ordinance No. 1476 at its meeting of September 7, 2010, which preliminarily authorized the issuance of Recovery Zone Economic Development Bonds in the amount of \$890,000. This ordinance if adopted would confirm and finalize that authorization.*

Councilor Vassar introduced and moved the consideration of Ordinance No. 1482.1476-A at the same meeting of introduction. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Vassar moved the passage and adoption of Ordinance No. 1482.1476-A at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of introduction.

Town of Highland  
ORDINANCE No. 1482.1476-A  
FINAL BOND ORDINANCE

**An Ordinance of the Town of Highland, Indiana, Finally authorizing the issuance and sale of Recovery Zone Economic Development Bonds of the Town for the purpose of providing funds to be used for the construction and reconstruction of certain road improvements, together with related and incidental expenses in connection therewith and on account of the issuance of the bonds therefor**

**WHEREAS**, Town of Highland (the "Issuer" or "Town") is a Town organized and existing under the provisions of IC 36-5; and

**WHEREAS**, The Town Council previously found that the present facilities of the Town are not adequate to provide the proper Town services to present and future Town patrons utilizing its facilities; and

**WHEREAS**, The Town Council adopted a preliminary bond ordinance determining to issue bonds in the amount of \$890,000 for the purpose of providing funds to pay the total cost of the Idlewild Avenue reconstruction project and Woodward Avenue reconstruction project each consisting of roadway reconstruction with drainage improvements, installation of concrete curbs and gutters, sidewalk replacement and water main replacement in said Town (the "Project"); **Now Therefore**,

**BE IT ORDAINED** by the Town Council of the Town of Highland, Lake County, Indiana, as Issuer, the following:

**Section 1.** That, for the purpose of obtaining funds to be applied on the cost of the Project, there shall be issued and sold the negotiable, general obligations of the Town to be designated as "*Taxable General Obligation Bonds, Series 2010* (Recovery Zone Economic Development Bonds – Direct Payment Option)." Said bonds shall be in the principal amount of \$890,000, bearing interest at a rate or rates not exceeding six percent (6%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable on February 1 and August 1 in each year. The bonds shall be fully registered in the denomination of Five Thousand Dollars (\$5,000) or integral multiples thereof, and shall mature or subject to mandatory redemption on February 1 and August 1 over a period ending not later than February 1, 2026. The Clerk-Treasurer is hereby authorized and directed to establish the final maturity schedule consistent with the provisions of this ordinance.

**Section 2.** That the original date shall be the date of delivery of the bonds. The authentication certificate shall be dated when executed by the Registrar and Paying Agent. Interest shall be paid from the interest payment date to which interest has been paid next preceding the date of authentication unless the bond is authenticated on or before the fifteenth day immediately preceding the first interest payment date, in which case interest shall be paid from the original date, or unless the bond is authenticated after the fifteenth day immediately preceding an interest payment date and on or before such interest payment date, in which case interest shall be paid from such interest payment date.

**Section 3(a)** That interest shall be payable by check mailed one business day prior to the interest payment date to the person in whose name the bonds are registered on the bond register maintained at the principal

corporate trust office of the financial institution selected by the Clerk-Treasurer to serve as registrar and paying agent (the "Registrar and Paying Agent") or successor registrar and paying agent, as of the fifteenth day immediately preceding such interest payment date or by wire transfer of immediately available funds on the interest payment date to the depositories shown as registered owners. Principal of the bonds shall be payable upon presentation of the bonds at the principal corporate trust office of the Registrar and Paying Agent in lawful money of the United States of America or by wire transfer of immediately available funds to depositories who present the bonds to the Registrar and Paying Agent at least two business days prior to the payment date. The bonds are transferable by the registered owner at the principal corporate trust office of the Registrar and Paying Agent upon surrender and cancellation of a bond and on presentation of a duly executed written instrument of transfer, and thereupon a new bond or bonds of the same aggregate principal amount and maturity and in authorized denominations will be issued to the transferee or transferees in exchange therefor. The bonds may be exchanged upon surrender at the principal corporate trust office of the Registrar and Paying Agent, duly endorsed by the registered owner for the same aggregate principal amount of bonds of the same maturity in authorized denominations as the owner may request.

(b) That the Issuer agrees that on or before the fifth business day immediately preceding any payment date, it will deposit with the Registrar and Paying Agent funds in an amount equal to the principal of, premium, if any, and interest on the Bonds which shall become due on the next payment date.

(c) That the Issuer has determined that the Bonds shall be held by a central depository system pursuant to an agreement between the Issuer and The Depository Trust Company, and have transfers of the Bonds effected by book-entry on the books of the central depository system. The Bonds shall be initially issued in the form of a separate single authenticated fully registered Bond for the aggregate principal amount of each separate maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the register kept by the Registrar in the name of CEDE & CO., as nominee of The Depository Trust Company.

(d) That with respect to the Bonds registered in the register kept by the Paying Agent in the name of CEDE & CO., as nominee of The Depository Trust Company, the Issuer and the Paying Agent shall have no responsibility or obligation to any other holders or owners (including any beneficial owner ("Beneficial Owner") of the Bonds with respect to (i) the accuracy of the records of The Depository Trust Company, CEDE & CO., or any Beneficial Owner with respect to ownership questions, (ii) the delivery to any Bondholder (including any Beneficial Owner) or any other person, other than The Depository Trust Company, of any notice with respect to the Bonds including any notice of redemption, or (iii) the payment to any Bondholder (including any Beneficial Owner) or any other person, other than The Depository Trust Company, of any amount with respect to the principal of, or premium, if any, or interest on the Bonds except as otherwise provided herein.

(e) That no person other than The Depository Trust Company shall receive an authenticated Bond evidencing an obligation of the Issuer to make payments of the principal of and premium, if any, and interest on the Bonds pursuant to this Ordinance. The Issuer and the Registrar and Paying Agent may treat as and deem The Depository Trust Company or CEDE & CO. to be the absolute Bondholder of each of the Bonds for the purpose of (i) payment of the principal of and premium, if any, and interest on such Bonds; (ii) giving notices of redemption and other notices permitted to be given to Bondholders with respect to such Bonds; (iii) registering transfers with respect to such Bonds; (iv) obtaining any consent or other action required or permitted to be taken of or by Bondholders; (v) voting; and (vi) for all other purposes whatsoever. The Paying Agent shall pay all principal of and premium, if any, and interest on the Bonds only to or upon the order of The Depository Trust Company, and all such payments shall be valid and effective fully to satisfy and discharge the Issuer's and the Paying Agent's obligations with respect to principal of and premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. Upon delivery by The Depository Trust Company to the Issuer of written notice to the effect that The Depository Trust Company has determined to substitute a new nominee in place of CEDE & CO., and subject to the provisions herein with respect to consents, the words "CEDE & CO." in this Ordinance shall refer to such new nominee of The Depository Trust Company. Notwithstanding any other provision hereof to the contrary, so long as any Bond is registered in the name of CEDE & CO. as nominee of The Depository Trust Company, all payments with respect to the principal of and premium, if any, and interest on such Bonds and all notices with respect to such Bonds shall be made and given, respectively, to The Depository Trust Company as provided in a representation letter from the Issuer to The Depository Trust Company.

(f) That upon receipt by the Issuer of written notice from The Depository Trust Company to the effect that The Depository Trust Company is unable or unwilling to discharge its responsibilities and no substitute depository willing to undertake the functions of The Depository Trust Company hereunder can be found which is willing and able to undertake such functions upon reasonable and customary terms, then the Bonds shall no longer be restricted to being registered in the register of the Issuer kept by the Registrar in the name of CEDE & CO., as nominee of The Depository Trust Company, but may be registered in whatever name or names the Bondholders transferring or exchanging Bonds shall designate, in accordance with the provisions of this Ordinance.

(g) That if the Issuer determines that it is in the best interest of the Bondholders that they be able to obtain certificates for the fully registered Bonds, the Issuer may notify The Depository Trust Company and the Registrar, whereupon The Depository Trust Company will notify the Beneficial Owners of the availability through The Depository Trust Company of certificates for the Bonds. In such event, the Registrar shall prepare, authenticate, transfer and exchange certificates for the Bonds as requested by The Depository Trust Company and any Beneficial Owners in appropriate amounts, and whenever The Depository Trust Company requests the Issuer and the Registrar to do so, the

Registrar and the Issuer will cooperate with The Depository Trust Company by taking appropriate action after reasonable notice (i) to make available one or more separate certificates evidencing the fully registered Bonds of any Beneficial Owner's Depository Trust Company account or (ii) to arrange for another securities depository to maintain custody of certificates for and evidencing the Bonds.

(h) That if the Bonds shall no longer be restricted to being registered in the name of a depository trust company, the Registrar shall cause the Bonds to be printed in blank in such number as the Registrar shall determine to be necessary or customary; provided, however, that the Registrar shall not be required to have such Bonds printed until it shall have received from the Issuer indemnification for all costs and expenses associated with such printing.

(i) That in connection with any notice or other communication to be provided to Bondholders by the Issuer or the Registrar with respect to any consent or other action to be taken by Bondholders, the Issuer or the Registrar, as the case may be, shall establish a record date for such consent or other action and give The Depository Trust Company notice of such record date not less than fifteen (15) calendar days in advance of such record date to the extent possible.

(j) That so long as the Bonds are registered in the name of The Depository Trust Company or CEDE & CO. or any substitute nominee, the Issuer and the Registrar and Paying Agent shall be entitled to request and to rely upon a certificate or other written representation from the Beneficial Owners of the Bonds or from The Depository Trust Company on behalf of such Beneficial Owners stating the amount of their respective beneficial ownership interests in the Bonds and setting forth the consent, advice, direction, demand or vote of the Beneficial Owners as of a record date selected by the Registrar and The Depository Trust Company, to the same extent as if such consent, advice, direction, demand or vote were made by the Bondholders for purposes of this Ordinance and the Issuer and the Registrar and Paying Agent shall for such purposes treat the Beneficial Owners as the Bondholders. Along with any such certificate or representation, the Registrar may request The Depository Trust Company to deliver, or cause to be delivered, to the Registrar a list of all Beneficial Owners of the Bonds, together with the dollar amount of each Beneficial Owner's interest in the Bonds and the current addresses of such Beneficial Owners.

(k) That the bonds are not subject to optional redemption prior to maturity.

**Section 4.** That if, when the bonds authorized hereby shall have become due and payable in accordance with their terms, the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the bonds then outstanding shall be paid or (i) sufficient moneys, or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America the principal of and interest on which when due will provide sufficient moneys, or (iii) time certificates of deposit fully secured as to both principal and interest by obligations of the kind described in (ii) above of a bank or banks the principal of and interest on which when due will provide sufficient moneys, shall be held by the Registrar and Paying Agent for such purpose under the provisions of this Ordinance, and provision shall also be made for paying all Registrar and Paying Agent's fees and expenses and other sums payable hereunder by the Issuer, then all moneys, obligations and time certificates of deposit held by the Registrar and Paying Agent pursuant to this paragraph shall be held in trust and said moneys and the principal and interest of said obligations and time certificates of deposit when received, applied to the payment, when due, of the principal and the interest, and registered owners of bonds shall not be entitled to payment of any principal and/or interest from Issuer. The Registrar and Paying Agent shall within thirty (30) days after such obligations or time certificates of deposits shall have been deposited with it, cause a notice signed by the Registrar and Paying Agent to be mailed to the registered owners of all outstanding bonds and published once in a newspaper or financial journal published in Indianapolis, Indiana, setting forth (a) a description of the obligations so held by it, and (b) that the registered owners shall be entitled to be paid principal and/or interest from such funds and income of such securities held by Registrar and Paying Agent and not from Issuer.

**Section 5(a)** That said bonds shall be executed in the name of Issuer by the manual or facsimile signature of the President of its Town Council, and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town, who shall cause the seal of the Town to be imprinted or impressed on each of said bonds. In case any official whose signature or facsimile of whose signature shall appear on the bonds shall cease to be such officer before the issuance, authentication or delivery of such bonds, such signature or such facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery.

(b) That no bond shall be valid or obligatory for any purpose, unless and until authenticated by the Registrar and Paying Agent. Such authentication may be executed by an authorized representative of the Registrar and Paying Agent, but it shall not be necessary that the same person authenticate all of the bonds issued. Issuer and the Registrar and Paying Agent may deem and treat the person in whose name a bond is registered on the bond register as the absolute owner thereof for all purposes, notwithstanding any notice to the contrary.

(c) That in order to preserve the status of the bonds as qualified bonds for federal income tax purposes, the Issuer represents, covenants and agrees that:

(1) No person or entity, other than the Issuer or another governmental unit, will use proceeds of the bonds or property financed by the bond proceeds other than as a member of the general public. No person or entity, other than the Issuer or another governmental unit, will own property financed by bond proceeds or will have actual or beneficial use of such property pursuant to a lease, a

management or incentive payment contract or any other type of arrangement that differentiates that person's or entity's use of such property from the use by the public at large.

(2) No bond proceeds will be loaned to any entity or person. No bond proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the bond proceeds.

(3) The Issuer will file an information report form 8038B with the Internal Revenue Service as required by Section 149 of the Internal Revenue Code of 1986.

**Section 6.** The bonds shall be issued in substantially the following form, all blanks to be filled in properly prior to delivery:

Registered \_\_\_\_\_ Registered \_\_\_\_\_

No. \_\_\_\_\_ \$ \_\_\_\_\_

UNITED STATES OF AMERICA  
State of Indiana County of Lake

TOWN OF HIGHLAND  
TAXABLE GENERAL OBLIGATION BOND, SERIES 2010 (RECOVERY ZONE ECONOMIC  
DEVELOPMENT BOND – DIRECT PAYMENT OPTION)

Interest Rate	Maturity Date	Original Date	Authentication Date	CUSIP
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Registered Owner:

Principal Sum:

Town of Highland (the "Issuer"), a Town organized and existing under the laws of the State of Indiana, in Lake County, Indiana, for value received, hereby acknowledges itself indebted and promises to pay to the Registered Owner (named above) or to registered assigns, the Principal Sum set forth above in installments on the Maturity Dates set forth above and to pay interest thereon at the Interest Rate per annum set forth above from the interest payment date to which interest has been paid next preceding the date of authentication hereof unless this bond is authenticated on or before July 15, 2011, in which case interest shall be paid from the Original Date, or unless this bond is authenticated after the fifteenth day immediately preceding an interest payment date and on or before such interest payment date, in which case interest shall be paid from such interest payment date, which interest is payable on August 1 2011, and each February 1 and August 1 thereafter until the principal has been paid. Interest shall be calculated on the basis of a 360-day year consisting of twelve 30-day months.

Interest shall be payable by check mailed one business day prior to the interest payment date to registered owners or by wire transfer of immediately available funds on the interest payment date to depositories shown as registered owners. Payment shall be made to the person or depository in whose name this bond is registered as of the fifteenth day immediately preceding such interest payment date. Principal of this bond shall be payable upon presentation of this bond at the principal corporate trust office of \_\_\_\_\_, (the "Registrar and Paying Agent") or by wire transfer of immediately available funds to depositories who present the bonds to the Registrar and Paying Agent at least two business days prior to the payment date in lawful money of the United States of America. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Registrar and Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time).

This bond is one of an issue of bonds aggregating Eight Hundred Ninety Thousand Dollars (\$890,000), of like tenor and effect, except as to numbering, authentication date, denomination, interest rate, and date of maturity, issued by Issuer pursuant to an ordinance adopted by the Town Council of said Town on November 15, 2010 (the "Ordinance"), and in strict accordance with the governing statutes of the State of Indiana for the purpose of providing funds to be applied on the cost of the Idlewild Avenue reconstruction project and Woodward Avenue reconstruction project each

consisting of roadway reconstruction with drainage improvements, installation of concrete curbs and gutters, sidewalk replacement and water main replacement in said Town.

This bond is not subject to optional redemption prior to maturity.

This bond shall be initially issued in a Book Entry System (as defined in the Ordinance). The provisions of this bond and of the Ordinance are subject in all respects to the provisions of the Letter of Representations between the Issuer and The Depository Trust Company, or any substitute agreement, effecting such Book Entry System.

This bond is transferable in accordance with the Book Entry System or, if no such system is in effect, by the Registered Owner hereof at the principal corporate trust office of the Registrar and Paying Agent, upon surrender and cancellation of this bond and on presentation of a duly executed written instrument of transfer and thereupon a new bond or bonds of the same aggregate principal amount and maturity and in authorized denominations will be issued to the transferee or transferees in exchange therefor. This bond may be exchanged upon surrender hereof at the principal corporate trust office of the Registrar and Paying Agent, duly endorsed by the Registered Owner for the same aggregate principal amount of bonds of the same maturity in authorized denominations as the owner may request.

The Issuer and the Registrar and Paying Agent may deem and treat the person in whose name this bond is registered as the absolute owner hereof.

It is hereby certified and recited that all acts, conditions and things required by the laws and constitution of the State of Indiana to be done precedent to and in the issuance, sale and delivery of this bond have been properly done, happened and performed in regular and due form as provided by law, and that the bonds of this issue do not exceed any constitutional or statutory limitation of indebtedness. The full faith and credit of Issuer is hereby irrevocably pledged to the punctual payment of the principal of and interest on this bond according to its terms and the Issuer will levy a tax and appropriate funds to pay such principal and interest.

This bond shall not be valid or become obligatory for any purpose until authenticated by the Registrar and Paying Agent.

The Issuer has irrevocably designated this bond as a Recovery Zone Economic Development Bond for purposes of Section 1400U of the Internal Revenue Code (the "Code"), and has irrevocably elected to have Section 6431(f) of the Code apply to the Bonds.

IN WITNESS WHEREOF, Issuer has caused this bond to be executed in its name by the manual or facsimile signature of the President of its Town Council and attested by the manual or facsimile signature of the Clerk-Treasurer of said Town.

TOWN OF HIGHLAND, INDIANA

By: \_\_\_\_\_  
President, Town Council

Attest:

\_\_\_\_\_  
Clerk-Treasurer

#### AUTHENTICATION CERTIFICATE

This bond is one of the bonds referred to in the within mentioned ordinance.

successor) \_\_\_\_\_, Registrar and (or  
Paying Agent

By: \_\_\_\_\_  
Authorized Representative

[End of Bond Form]

**Section 7. (a)** That prior to the sale of said bonds at public sale, notice of intent to sell such bonds shall be published once each week for two (2) weeks in The Times and The Post-Tribune and in the Court and Commercial Record, a newspaper published in the City of Indianapolis, Indiana, the first of said publications to be at least fifteen (15) days prior to the date fixed for the sale of said bonds,. At the time fixed for the opening of bids, all bids shall be opened in the presence of the Clerk-Treasurer, and the award shall be made by the Clerk-Treasurer.

(b) That the bond sale notice, when published, shall provide that each bid shall be in a sealed envelope marked "*Bid for Taxable General Obligation Bonds, Series 2010 (Recovery Zone Economic Development Bonds – Direct Payment Option)*" and the successful bidder shall provide a certified or cashier's check in the amount of \$8,900, payable to Issuer, to insure the good faith of the bidder. In the event the successful bidder shall fail or refuse to accept delivery of the bonds when ready for delivery, said check and the proceeds thereof shall be retained by the Town as its liquidated damages. Said notice shall also provide that bidders for said bonds shall name the purchase price for the bonds, not less than 99.0% of par and the rate or rates of interest which the bonds are to bear, not exceeding six percent (6%) per annum; that said interest rate or rates shall be in multiples of one-eighth or one-twentieth (1/20) of one percent (1%); that the interest rate named for any maturity shall be equal to or greater than the immediately preceding maturity; and that the highest bidder shall be the one who offers the lowest net interest cost to the Issuer, to be determined by computing the total interest on all of the bonds to their maturities and deducting therefrom the premium bid, if any, or adding the discount bid, if any.

(c) That the bond sale notice shall state that the opinion of **Shanahan & Shanahan LLP**, bond counsel of Chicago, Illinois, approving the legality of said bonds, will be furnished to the purchaser at the expense of the Town, so that the Town will receive due credit therefor in the bidding. Said notice may contain such other terms and conditions as the attorney for the Issuer shall deem advisable.

**Section 8.** That the Bonds shall be irrevocably designated as *Recovery Zone Economic Development Bonds* for purposes of Section 1400U of the Internal Revenue Code (the "Code"), and Section 6431(f) of the Code shall irrevocably apply to the Bonds.

**Section 9.** That the form of the Continuing Disclosure Undertaking is hereby approved and the officers are authorized and directed to execute such Undertaking and any and all documents necessary to issue and deliver the Bonds.

Introduced and Filed on the 15<sup>th</sup> day of November 2010. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 15<sup>th</sup> day of November 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

**Mark A. Herak, President (IC 36-5-2-10)**

**Attest:**

**Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

3. **Proposed Enactment No. 2010-48:** Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance, and suspend Section 10 (e) (3) and (4) of the Wage and Salary Ordinance. *Commander R. Potesta worked in June "overtime" in uniform patrol. There being no authorized rate already adopted for permitting payment at the rate of 1.5 times the calculated hourly rate of a Commander, this enactment is necessary.*

Councilor Kuiper introduced and moved the consideration of Enactment No. 2010-48 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Zemen moved the passage and adoption of Enactment No. 2010-48 at the same meeting of introduction. Councilor Novak seconded. Upon a roll call vote, a two-thirds vote

being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of introduction.

Town of Highland  
ENACTMENT NO. 2010-48

**AN ENACTMENT TO APPROVE OVERTIME PAYMENTS FOR EXEMPT SALARIED PERSONNEL AS SET FORTH IN SECTION 3 of the WAGE AND SALARY ORDINANCE, WAIVING SECTION 2.01 of the COMPENSATION and BENEFITS ORDINANCE, and SUSPENDING SECTION 10 (E) (3) and (4) OF SALARY ORDINANCE IN ORDER TO AUTHORIZE A PARTICULAR PAY RATE.**

**WHEREAS**, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

**WHEREAS**, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

**WHEREAS**, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

**WHEREAS**, One Exempt Salaried Officer was authorized and directed to work a special detail, providing patrol by police car, unrelated to a special event, but rather undertaken as a particular law enforcement initiative;

**WHEREAS**, The current wage and salary ordinance provides for no particular rate for overtime worked for this, except as may be experienced under the terms of Section § 4.03.02 , which reads: *"Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle;*

**WHEREAS**, Absent action by the Town Council, the current language governing such pay for such an assigned detail, when worked by exempt salaried persons, is silent, and there is no guidance about what schedule or work cycle exempt salaried employees are subject to, since overtime pay is not regularly payable to exempt salaried employees; and,

**WHEREAS**, The Metropolitan Police Chief has recommended that the Town Council authorize for payments to be made to the particular exempt salaried personnel, to be based upon actual hours worked on the detail at a rate of 1.5 times the exempt salaried officer's base pay plus longevity; and,

**WHEREAS**, The Town Council now desires to act to permit the pay as recommended,

**NOW, THEREFORE, BE IT HEREBY ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the provisions of Section 10 (e) (3) of the Wage and Salary Ordinance as amended, particularly reading *"Overtime provisions of the Compensation and Benefits Ordinance notwithstanding, the following special assignment will be paid at 1.5 times the composite rate (base rate plus longevity rate) of the assigned officer for hours performing the special assignment, provided such rate is lawful and authorized under the terms of the supporting grant"*, shall be temporarily suspended and modified to permit an exempt salaried worker to be paid at an overtime rate at 1.5 times the assigned officer's composite (Commander) rate for work NOT supported by a grant and for which a non-exempt officer would usually be assigned;

**Section 2.** That the provisions of Section 10 (e) (4) of the Wage and Salary Ordinance as amended, particularly reading, *"No rate of pay may be fixed for any regular duty or special detail or described employment, regardless of the source of funds, that has not been authorized or provided for in this Wage and Salary Ordinance as amended in effect or the Compensation and Benefits Ordinance as amended and in effect,"* shall be temporarily suspended and waived for the purpose of permitting R. Potesta, CID Commander, to be paid at the hourly rate of \$44.13 for the eight (8) hours worked in uniform patrol duty in the month of June, which is 1.5 times the calculated hourly rate plus longevity for the bi-weekly salary associated with the position of Division Commander, a senior administrative position;

**Section 3.** That under the terms of Section § 04.03.01 of the Compensation and Benefits Ordinance, which provides that *"exempt salaried employees will not receive overtime pay or compensatory time off, unless specifically authorized by the Town Council..."* and Section § 2.01 which identifies the position of Commander in the Police Department as an Exempt position under the terms of the FLSA, thereby not eligible for overtime payments, the adoption of this enactment shall be approval of overtime pay for the exempt salaried employee herein identified;

**Section 4.** That the forgoing action is limited to the instance described and the provisions of Section 10 of the Wage and Salary Ordinance and Sections § 2.01 and § 4 of the Compensation and Benefits Ordinance otherwise remain in full force and effect;

**Section 5.** That the Clerk-Treasurer shall have authority to implement within a reasonable time those provisions



regarding wage changes occurring between the effective dates set forth retroactively in this ordinance and the date of its passage and adoption.

Introduced and Filed on the 15<sup>th</sup> day of November 2010. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and a vote of 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 15<sup>th</sup> day of November 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Action to authorize the payment of compensatory time due to a seasonal part-time employee, who has been separated from employment with the Town.** *It is reported that a seasonal employee, L. Mayden, was permitted to accrue compensatory time as a seasonal worker driver for snow plowing. It was further noted that 5.25 hours of compensatory time is still accrued and owed to Mr. Mayden. As Mr. Mayden is not presently employed with the municipality, the Public Works Director requests that the Town Council act to authorize the payment of the remaining compensatory hours at the hourly rate of \$12.84, for a total of \$67.41 and retire this remaining payroll liability.*

Councilor Kuiper moved to approve the payment of compensatory time as presented. Councilor Vassar seconded. Upon a roll call vote, there were five affirmative and no negatives. The motion passed. The payment was authorized.

5. **Resolution No. 2010-47:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the **Special Events Non-Reverting Fund** as Requested by the Proper Officer and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Zemen moved the passage and adoption of Resolution No. 2010-47. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2010-47**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SPECIAL EVENTS NON REVERTING FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS,** It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Special Events Non Reverting Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Special Events Non Reverting Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SPECIAL EVENTS NON REVERTING FUND

Reduce Account:	#310.00 Special Events Entertainment	\$3,732.00
	#310.02 Sales Tax & Registration Fees	\$ 137.00
	<i>Total 300 Series Reductions</i>	\$3,869.00
Increase Account:	#111.01 Security / Sworn Officers	\$3,814.00
	#112.02 Medicare / Sworn Officers	\$ 55.00
	<i>Total 100 Series Increases</i>	\$3,869.00
<b>Total of All Fund Decreases:</b>		<b>\$3,869.00</b>
<b>Total of All Fund Increases:</b>		<b>\$3,869.00</b>

**DULY RESOLVED and ADOPTED** this 15<sup>th</sup> Day of November 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

6. **Resolution No. 2010-49:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Building and Inspection Department of the Corporation General Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Kuiper moved the passage and adoption of Resolution No. 2010-49. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2010-49**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the BUILDING and INSPECTION DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Building and Inspection Department of the Corporation General Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Building and Inspection Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**CORPORATION GENERAL FUND**

**Building and Inspection Department**

Reduce Account: #310.01 Legal Fees \$1,225.00

	<i>Total 300 Series Reductions</i>	\$1,225.00
Increase Account:	#200.03 Miscellaneous Supplies	\$ 475.00
	#210.02 Tires and Tubes	<u>\$ 750.00</u>
	<i>Total 200 Series Increases</i>	\$1,225.00
<b>Total of All Fund Decreases:</b>		<b>\$1,225.00</b>
<b>Total of All Fund Increases:</b>		<b>\$1,225.00</b>

**DULY RESOLVED and ADOPTED** this 15th Day of November 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. **Resolution No. 2010-50:** An Exigent Resolution Providing for the Transfer of Appropriation Balances from and among Major Budget Classifications in the Parks and Recreation (General) Fund as Requested by the Proper Officer and Forwarded to the Town Council for its Action, pursuant to IC 6-1.1-18-6.

Councilor Novak moved the passage and adoption of Resolution No. 2010-50. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND  
APPROPRIATION TRANSFER RESOLUTION  
RESOLUTION NO. 2010-50**

**AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the PARKS and RECREATION (GENERAL) FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.**

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Parks and Recreation (General) Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing unobligated appropriations of the **Parks and Recreation (General) Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

**PARKS AND RECREATION (GENERAL) FUND**

Reduce Account:	#111.31 Laborers wages	\$ 6,000.00
	#111.32 Recreation Leaders	\$ 7,000.00
	#111.33 Laborers wages (part-time)	<u>\$ 4,000.00</u>
	<i>Total 100 Series Reductions</i>	\$17,000.00
Increase Account:	#230.03 Miscellaneous Materials	<u>\$ 10,000.00</u>
	<i>Total 200 Series Increases</i>	\$ 10,000.00
Increase Account:	#386.00 Recreation Services	<u>\$ 7,000.00</u>
	<i>Total 300 Series Increases</i>	\$ 7,000.00

Total of All Fund Decreases:	\$ 7,000.00
Total of All Fund Increases:	\$ 7,000.00

**DULY RESOLVED and ADOPTED** this 15th Day of November 2010 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

8. **Works Board Order No. 2010-47:** An ORDER Acknowledging the completion of the Punch list items associated with the construction Contract SRS-32550, Project No. 0900661 related to the *45<sup>th</sup> Avenue Resurfacing Project*, Western Terminus at Kennedy Avenue and Eastern Terminus at Kleinman Road, a Federal Aid Highway Project, and Approving Final Acceptance of the Project.

Councilor Zemen moved the passage and adoption of Works Board Order No. 2010-47. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2010-47**

**AN ORDER ACKNOWLEDGING THE COMPLETION OF THE PUNCH LIST ITEMS ASSOCIATED WITH THE CONSTRUCTION CONTRACT SRS-32550, PROJECT NO. 0900661, RELATED TO THE 45<sup>TH</sup> AVENUE RESURFACING PROJECT, WESTERN TERMINUS AT KENNEDY AVENUE AND EASTERN TERMINUS AT KLEINMAN ROAD, A FEDERAL AID HIGHWAY PROJECT, AND APPROVING FINAL ACCEPTANCE OF THE PROJECT.**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24 (3), has heretofore authorized and approved a public works project for street construction and other improvements in the public roadway through the assistance of federal highway aid funds, with the project commonly known as the *45<sup>th</sup> Avenue Resurfacing Project*;

**Whereas**, First Group Engineering (FGE), Incorporated, a licensed engineer performing construction engineering services on this project, at the request of the Town through its Public Works Director, has specifically identified and presented a report of contact final inspection, which indicates that all punch list matters have been completed, the project is fully complete and recommends to the Town final acceptance of the completed project; and

**Whereas**, The Town of Highland, through its Town Council which is also the Board of Works, now desires to acknowledge the completion of the punch list items, and to accept the recommendation of First Group Engineering for final acceptance of the completed project as described;

**Now Therefore Be it hereby Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1** That the Town Council, which is also the Board of Works for the municipality, hereby acknowledges that First Group Engineers, in consequence of its construction engineering services, has specifically identified and presented a report of Contract Final Inspection, which indicates that all punch list matters have been completed, the project is fully complete and recommends to the Town final acceptance of the completed project;

**Section 2** That the Town Council, which is also the Board of Works for the municipality, hereby further acknowledges, accepts and approves the report of Contract Final Inspection, finds that all punch list matters are now completed, the project is fully complete and accepts the *45<sup>th</sup> Avenue Resurfacing Project*, identified under Contract SRS-32550, Project No. 0900661 as completed and final;

**Section 3.** That the proper officers hereby be and are authorized to execute the necessary documents with their signatures, including but not limited to the Report of Contract Final Inspection and Recommendation for Acceptance.

**Be it So Ordered.**

**DULY, PASSED and ORDERED BY** the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 15<sup>th</sup> day of November 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

9. **Works Board Order No. 2010-48:** An Order of the Works Board Approving the Optical Control Traffic Management System Project Funded by a Federal Grant and Approving and Authorizing An agreement between First Group Engineering, Incorporated and the Town of Highland to Perform Certain Preliminary Design Engineering and Professional Services in Support Thereof.

Councilor Vassar moved the passage and adoption of Works Board Order No. 2010-48. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
ORDER OF THE WORKS BOARD NO. 2010-48**

**AN ORDER OF THE WORKS BOARD APPROVING THE OPTICAL CONTROL TRAFFIC MANAGEMENT SYSTEM PROJECT FUNDED BY A FEDERAL GRANT AND APPROVING AND AUTHORIZING AN AGREEMENT BETWEEN FIRST GROUP ENGINEERING, INCORPORATED AND THE TOWN OF HIGHLAND TO PERFORM CERTAIN PRELIMINARY DESIGN ENGINEERING AND PROFESSIONAL SERVICES IN SUPPORT THEREOF.**

**Whereas**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality pursuant to I.C. 36-1-2-24(3), has heretofore determined that a need exists to retrofit, refurbish and install into the several traffic control lights, special devices to permit emergency public safety vehicles to manage the signals in support of increased response times, to be known as the **Opticom Installation Project**; and

**Whereas**, The Metropolitan Police Department has forwarded a recommendation to the Town Council to engage the firm of First Group Engineering, Incorporated as the most qualified for the engagement; and

**Whereas**, First Group Engineering, Incorporated has offered and presented an agreement to provide and furnish preliminary or design engineering and professional services in consideration for fees to be charged and billed monthly based upon a lump sum of the value of the scope of engineering services completed as described in Appendix D of the agreement, for a fee of Forty-seven thousand Dollars (\$47,000.00); and

**Whereas**, There are sufficient and available appropriations balances on hand to support the payments under the agreement, pursuant to IC 5-22-17-3(e); and

**Whereas**, The Town of Highland, through its Town Council now desires to approve the project and to accept and approve the agreement for services as herein described.

**Now Therefore Be it Ordered** by the Town Council of the Town of Highland, Lake County, Indiana;

**Section 1.** That the Town Council hereby determines to proceed with a project for retrofitting, refurbishment and installation into the several traffic control lights, special devices to permit emergency public safety vehicles to manage the signals in support of increased response times, to be known as the **Opticom Installation Project**;

**Section 2.** That the Town Council hereby accepts the recommendation of the Metropolitan Police Department to accept the proposal of First Group Engineering, Inc. for Professional Engineering and Design Services on the **Opticom Installation Project**;

**Section 3** That the Professional Engineering and Design Services Agreement, (incorporated by reference and made a part of this Order) between First Group Engineering, Incorporated and the Town of Highland, is hereby approved, adopted and ratified in each and every respect;

**Section 4.** That the terms and charges under the agreement for preliminary design and related professional engineering services in the not to exceed fee amount of Forty-seven Thousand Dollars (\$47,000.00) is found to be reasonable and fair;

**Section 5.** That First Group Engineers has demonstrated professional competence and qualifications to perform the particular professional engineering services called for in the Agreement and associated project, pursuant to I.C. 5-16-11.1-5;

**Section 6.** That the Town Council President be authorized to execute the Agreement with his signature as attested thereto by the Clerk-Treasurer.

**Be it So Ordered.**

**DULY, PASSED AND ADOPTED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 15<sup>th</sup> day of November 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President

Attest:

Michael Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer

10. **Works Board Order No. 2010-49: AN ORDER of the TOWN COUNCIL AUTHORIZING and APPROVING A RELEASE and SETTLEMENT AGREEMENT**, by and between SPEEDWAY SUPERAMERICA, LLC, and TOWN OF HIGHLAND, INDIANA.

With leave from the Town Council, the Town Attorney briefed the Town Council on the terms of the settlement and recommended its adoption.

Councilor Novak moved the passage and adoption of Works Board Order No. 2010-49. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**THE TOWN of HIGHLAND  
ORDER of the WORKS BOARD NO. 2010-49**

**AN ORDER of the TOWN COUNCIL AUTHORIZING and APPROVING A RELEASE and SETTLEMENT AGREEMENT, by and between SPEEDWAY SUPERAMERICA, LLC, and TOWN OF HIGHLAND, INDIANA**

**Whereas**, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board all pursuant to IC 36-1-2 et seq., and

**Whereas**, Speedway Superamerica, LLC, a Delaware limited Liability Company, owns certain real estate located at 8430 Kennedy Avenue, Highland, which once hosted a retail store and gasoline station, but is presently vacant;

**Whereas**, The property located at 8430 Kennedy Avenue, Highland, remains configured for a retail store and gasoline station and originally the site had two curb cuts providing access, ingress and egress along Kennedy Avenue in Highland;

**Whereas**, As part of the recent reconstruction of Kennedy Avenue, the Town eliminated the two curb cuts providing access, ingress and egress along Kennedy Avenue in Highland; and,

**Whereas**, Speedway asserts that the two curb cuts along Kennedy Avenue are vital for this property and has made a claim against the Town claiming that the elimination of the two curb cuts is a "taking" without just compensation in violation of Article I, Section § 21 of the Indiana Constitution;

**Whereas**, The Town claims it had the authority to vacate the curb cuts;

**Whereas**, The matters in controversy between the parties have been resolved to the satisfaction of all parties and the parties are desirous of entering into this Release and Settlement Agreement; and

**Whereas**, The Town Council now desires to conclude and settle the matter herein described by adopting and approving the release and settlement agreement as prepared by the Town Attorney,

**NOW, THEREFORE, BE IT HEREBY ORDERED** by the Town Council, of the Town of Highland, Lake County, Indiana:

**Section 1.** That the RELEASE and SETTLEMENT AGREEMENT made by and between **SPEEDWAY SUPERAMERICA, LLC**, and **TOWN OF HIGHLAND, INDIANA**, a copy of which is attached and incorporated herein by reference, is hereby accepted and approved in all respects;

**Section 2.** That the proper officers of the Town of Highland are hereby authorized to execute the release and settlement agreement approved by this order by affixing their signatures thereto, evidencing its acceptance and approval;

**Be it so Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 15<sup>th</sup> day of November 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**11. Works Board Order No. 2010-50: An Order Adopting and Approving An Agreement Between the State of Indiana through its Department of Transportation and the Town of Highland, Through its Town Council/Works Board for Project Coordination, for the Installation of emergency Vehicle Pre-emption Equipment at Traffic Signals on Various State Highways in and Near the Town of Highland.**

Councilor Vassar moved the passage and adoption of Works Board Order No. 2010-50. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The order was adopted.

**TOWN of HIGHLAND  
BOARD OF WORKS  
Order of the Works Board No. 2010-50**

**AN ORDER ADOPTING and APPROVING AN AGREEMENT BETWEEN the STATE of INDIANA through its DEPARTMENT OF TRANSPORTATION and the TOWN of HIGHLAND, Through its TOWN COUNCIL/WORKS BOARD for PROJECT COORDINATION, for the INSTALLATION of EMERGENCY VEHICLE PRE-EMPTION EQUIPMENT AT TRAFFIC SIGNALS ON VARIOUS STATE HIGHWAYS in and NEAR the TOWN OF HIGHLAND.**

**WHEREAS**, The Town Council of the Town of Highland serves as the Works Board of the Town, pursuant to IC 36-1-2-24(3); and

**WHEREAS**, The Town of Highland is a unit, which may establish, vacate, maintain and operate public ways, all pursuant to I.C. 36-9-2-5

**WHEREAS**, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to refurbish, retrofit the several traffic signal systems in town by particularly installing certain Emergency Vehicle Pre-emption Equipment;

**WHEREAS**, The Metropolitan Police Department and the Public Works Department, has been instructed by the Indiana Department of Transportation that a certain contract with the Indiana Department of Transportation should be adopted in order to support the installation of the equipment herein described on traffic signals, which are operating on certain State Highways in the Town of Highland; and

**WHEREAS**, The Town Council has reviewed the agreement as recommended by the Metropolitan Police Department and the Public Works Director and now wishes to confirm authorization of the project and adopt the agreement;

**NOW, THEREFORE, BE Ordered**, by the Town Council of Highland, Indiana, acting as the Works Board:

**Section 1.** That the project which has been heretofore authorized to refurbish, retrofit the several traffic signal systems in town by particularly installing certain Emergency Vehicle Pre-emption Equipment, which is known as the **Opticom Installation Project** is hereby affirmed;

**Section 2.** That the contract entitled *Installation of Emergency Vehicle Preemption Equipment at Traffic Signals on Various State Highways in and near the Town of Highland, Lake County, Indiana* EDS. No. A249-11-320380, a copy of which is incorporated as an exhibit to this order, is hereby authorized and approved, in each and every respect;

**Section 3.** That the Public Works Director is hereby authorized and instructed evidence approval of the agreement by affixing his signature as attested thereto by the Clerk-Treasurer, and affix his signature to such other documents as are necessary to support the execution of the agreement;

**Be it So Ordered.**

**DULY, PASSED and ORDERED** by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 15<sup>th</sup> day of November 2010 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

12. Action to authorize, approve and select Comprehensive Care Occupational Medicine Specialist, 7501 West 15<sup>th</sup> Avenue, Gary, Indiana, 46406, as the occupational medical services provider for the Town of Highland.

Councilor Zemen moved, seconded by Councilor Kuiper that Comprehensive Care be deemed the occupational medicine provider for the municipality. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Comprehensive Care is the new occupational medicine provider.

13. Action to approve pay for employee at higher than starting pay for the range of the position, pursuant to Section 2 (a) of Ordinance No. 1375 the Wage and Salary Ordinance, as amended.  
*13.1 The Public Works Director requests favorable action for J. Burgess, a part-time laborer, 64 assigned to the leaf collection detail, for which the pay range is \$7.25 to \$11, to be approved at the starting hourly rate of \$9.00.*

Councilor Zemen moved that the worker be allowed to start at the rate of \$9.00 per hour. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The higher starting rate was approved.

14. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.



*14.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$100 for work associated with Highland Grove Mall Special Security.*

*14.2 The Metropolitan Police Chief requests favorable action for P. Hojnicky, who is an exempt salaried employee, and Metropolitan Police Chief, at the hourly rate of \$37.02 in the total amount of \$370.20, for work associated with a special event (Cabbage Fest), pursuant to Section 10 (e)(2) of Wage and Salary Ordinance.*

*14.3 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, at the hourly rate of \$37.02 in the total amount of \$222.12, for work associated with a special event (Cabbage Fest), pursuant to Section 10 (e)(2) of Wage and Salary Ordinance.*

*14.4 The Metropolitan Police Chief requests favorable action for P. Vassar, who is an exempt salaried employee, and Assistant Police Chief, at the hourly rate of \$37.02 in the total amount of \$296.16, for work associated with a special event (Cabbage Fest), pursuant to Section 10 (e)(2) of Wage and Salary Ordinance.*

Councilor Kuiper moved to approve all the requests for payment identified as 14.1, 14.2 and 14.3 for exempt salaried personnel to receive the pay for overtime. Councilor Novak seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The pay was approved.

Councilor Novak moved to approve the request for payment identified as 14.4 for exempt salaried personnel to receive the pay for overtime. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Novak, Kuiper and Herak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The pay was approved.

Councilor Vassar abstained owing to concerns about the appearance of conflict in voting for a matter involving Pat Vassar who is his brother.

15. **Proposed Ordinance No. 1483:** An Ordinance Authorizing, Accepting and Acknowledging the Contribution of Wal Mart to be used in Support of the "Shop with a Cop Program", then conveying the proceeds of the gift, on deposit to the Municipal Donation Fund to the Highland Fraternal Order of Police Lodge, in support of its role in administering the program and to support the reimbursement of any expenses incurred by participating police officers in the Shop with a Cop Program, all Pursuant to IC 36-1-3, and IC 36-5, et Seq.

Councilor Novak introduced and moved the consideration of Ordinance No. 1483 at the same meeting of introduction. Councilor Zemen seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered at the same meeting of introduction.

Councilor Novak moved the passage and adoption of Ordinance No. 1483 at the same meeting of introduction. Councilor Vassar seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was passed and adopted at the same meeting of introduction.

Ordinance No. 1483  
of the  
TOWN of HIGHLAND, INDIANA

**An Ordinance Authorizing, Accepting and Acknowledging the Contribution of Wal Mart to be used in Support of the "Shop with a Cop Program", then conveying the proceeds of the gift, on deposit to the Municipal Donation Fund to the Highland Fraternal Order of Police Lodge, in support of its role in administering the program and to support the reimbursement of any**

**expenses incurred by participating police officers in the Shop with a Cop Program, ALL  
PURSUANT TO IC 36-1-3, AND IC 36-5, ET SEQ.**

**WHEREAS,** The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

**WHEREAS,** IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

**WHEREAS,** IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through passage of an ordinance passed by the legislative body;

**WHEREAS,** The Town Council as the governing body for the municipality, may accept donations of money or other property from the state or federal government or any other source, pursuant to its general powers conferred in IC 36-1-4-10; and

**WHEREAS,** The Town Council has been advised that Wal-Mart, did make a contribution in the amount of \$1,000 to support the **"Shop with a Cop Program"**, and the participation of police officers of the Highland Metropolitan Police Department; and,

**WHEREAS,** That in order to access some administrative capacity for the administration and execution of this worthwhile program, the Metropolitan Police Chief, requested that the Highland Lodge of the Fraternal Order of Police carry-out the assignments and administration related to this program; and,

**WHEREAS,** The Fraternal Order of Police agreed to the request and incurred expenses, properly documented, in the amount of \$1,000 which were fully incurred in support of the Wal-Mart sponsored "Shop with a Cop" program, and now are seeking reimbursement; and

**WHEREAS,** The Town Council desires to accept the grant from Wal-Mart in support of Shop with a Cop Program, authorize the Metropolitan Police Department's participation in it, and to further authorize the reimbursement to the Fraternal Order of Police, Donald Sheppard Lodge, for the costs incurred in consequence of administering this program; and,

**WHEREAS,** The Town Council believes this action to be necessary and desirable for the conduct of the affairs of the Town, and in the public interest, consistent with the powers granted under IC 36-1-3 et seq.;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Town Council as the legislative and fiscal body of the municipality now finds, determines that the contribution presented by Wal-Mart Company in the amount of one thousand dollars (\$1,000) be acknowledged and duly accepted;

**Section 2.** That the Highland Town Council as the legislative and fiscal body of the municipality now finds, determines that the participation by the Highland Metropolitan Police Department in the Shop with a Cop Program to be of positive public effect, necessary and desirable as well as in the public interest;

**Section 3.** That the informal agreement with the Highland Fraternal Order of Police, Donald Shepherd Lodge, to assist the participation of the Highland Metropolitan Police Department in the Shop with a Cop Program by providing administrative and organization support to be of positive public effect, and hereby *ratified*, authorized and approved;

**Section 4.** That the Highland Town Council as the legislative and fiscal body of the municipality now further finds, determines that it is necessary and desirable as well as in the public interest to reimburse or contribute to the Donald Sheppard Memorial Lodge of the Fraternal Order of Police, for its duly incurred expenses in the course of carrying out and support the participation in the "Shop with a Cop" Program;

**Section 5.** That the Highland Town Council as the legislative and fiscal body of the municipality now directs that the payment contemplated under this ordinance is permitted and authorized to be made in advance of allowance by the Town Council, provided it is present to the Town Council at the first meeting following its payment for ratification, pursuant to IC 36-5-4-12(b)(13);

**Section 6** That the Clerk-Treasurer be authorized and directed to take such steps as necessary to carryout the purposes on this ordinance;

**Section 7.** That an emergency exists for the immediate taking effect of this Ordinance, so it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 15<sup>th</sup> day of November 2010. Consideration on First Reading Sustained a vote of 5 in Favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 15<sup>th</sup> Day of November 2010, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Mark A. Herak, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

16. Action on the requests for letters of exclusive insurance agent status:  
(a) Thomas Horgash seeks exclusive agent/broker of record for NSM and QBE.

With leave from the Town Council, this item of business was not acted upon.

**Comments from the Town Council Members  
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison* • *Town Board of Metropolitan Police Commissioners* • *Lake County Solid Waste Management District Board of Directors* • *President's designee to Chair the Select Centennial Commission* • *Chamber of Commerce, Liaison.*

Councilor Zemen shared that his pictures of the Haiti trip for the Physicians who were offering medical care to residents there, was presented at the Highland Chamber of Commerce as a program.

Councilor Zemen further commended the Fire chief and others for their work on the recent fire at a building of the Hampton in Highland Apartments.

Councilor Zemen acknowledged the Parks and Recreation Superintendent who commented on the enrollment for the annual Thanksgiving Day Running race styled as the Pumpkin Plod. It was noted that Valparaiso's Parks and Recreation Department had introduced a Thanksgiving Day run as well.

Councilor Zemen commended the Public Works Director for the quick production on the 45<sup>th</sup> Avenue and Spring Street Culvert repair, a Joint Project of the Lake County Drainage Board and the Board of Sanitary Commissioners.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison* • *Plan Commission member.*

Councilor Vassar further commended the Fire chief and others for their work on the recent fire at a building of the Hampton in Highland Apartments.

Councilor Vassar also commended the Editor of the Gazebo Express, the monthly municipal newsletter.

Councilor Vassar also commended the Public Works Director for the quick production on the 45<sup>th</sup> Avenue and Spring Street Culvert repair, a Joint Project of the Lake County Drainage Board and the Board of Sanitary Commissioners

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison* • *Traffic Safety Commission Member.*

Councilor Novak thanked all who expressed condolences to his family regarding the recent death of his brother-in-law who was serving as a missionary.

Councilor Novak also noted that Traffic Safety Commission Study for 2<sup>nd</sup> Street and Ridge is moving forward.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison.*

Councilor Kuiper further commended the Fire chief and others for their work on the recent fire at a building of the Hampton in Highland Apartments.

- **Councilor Mark Herak:** • *Town Executive* • *Police Pension Board of Trustees Chair* • *Budget Committee Chair* • *Board of Sanitary Commissioners, Liaison* • *Board of Waterworks Directors, Liaison* • *Community Events Commission, Liaison.*

Council President Herak called to the attention of the Public Works Director an accumulation of logs in the ditch below and near the foot bridge on the bike trail.

Council President Herak also offered comments regarding a recent news article published in the TIMES regarding the recent FY 2009 Audit. He noted that the article had shortcomings in its approach but stated that the comments as guidance to improve operations were welcomed.

Council President Herak recognized the Redevelopment Director who reported on the response rates from the recent decennial Census and noted that the response rate in Highland was 84%. She also reported that Munster has a response rate of 86% and Griffith has a response rate of 77%. The state of Indiana as a whole had a response rate of 79% and the United States as a whole had a response rate of 74% .

The Redevelopment Director also reported that there were 83 foreclosures underway in the Town of Highland.

The Town Council President wished all a Happy Thanksgiving.

#### **Comments from the Public or Visitors**

1. Vicki Crook, 9132 Spring Street, Highland, indicated that she owned property at 7914 North Drive, in Highland and inquired about the status of the proposed rental regulation ordinance.

**Payment of Accounts Payable Vouchers.** Councilor Novak moved to allow the accounts payable vouchers as filed on the pending pay docket, covering the period October 19, 2010 through to November 15, 2010. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers were allowed and the clerk-treasurer was authorized to make payment.

**General Fund, \$356,382.95; Motor Vehicle Highway and Street (MVH) Fund, \$14,244.15; Local Road and Street Fund, \$19,098.93; Law Enforcement Continuing Education, Training and Supply Fund, \$1,561.90; Insurance Payment Fund, \$120,870.92; Gasoline Payment fund, \$12,711.50; Information and Communications Technology Fund, \$11,020.98; Solid Waste District Grant Fund, \$176.70; Civil Donation Fund, \$5,171.07; Special Events Non Reverting Fund, \$100.00; Select Centennial Commission Fund, \$175.00; General Improvement Fund, \$12.00; Traffic and Law Violations Fund, \$3,000.00; Safe Neighborhood Grant Fund, \$1,562.50; Municipal Cumulative Street Fund, \$2,034.00; Sexual Predator Grant Fund, \$6,102.70; Gaming Revenue Sharing Fund, \$54,281.72; Corporation Capital Fund, \$15,206.57; Total: \$623,713.59.**

**Adjournment of Plenary Session.** Councilor Kuiper moved that the regular meeting be adjourned. Councilor Vassar seconded. Upon a vote *viva voce*, the motion passed. The regular Town Council meeting of **Monday, November 15, 2010** was adjourned at 8:15 O'clock p.m.

*Study Session.* The Twenty-Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular, plenary business meeting on Monday, November 15, 2010 at 8:40 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

*Silent Roll Call:* Councilors Dan Vassar, Brian Novak, and Mark Herak were present. Councilors Bernie Zemen and Konnie Kuiper were absent. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Mitch Ripley and Suzy Bass of H.R. Unlimited, Inc. a human resource consultancy, were also present.

**General Substance of Matters Discussed.**

1. The Town Council and the H.R. Unlimited representatives discussed the initial review and recommendations from H.R. Unlimited regarding the Compensation and Benefits Ordinance, promulgated as the municipal employees handbook.
2. The discussion included consideration of whether or not vacation days and holidays should count for hours worked when calculating over-time. It was noted that the Fair Labor Standards Act (FLSA) did not require this and it added considerable cost.
3. The discussion included consideration of compensation time for hourly workers and for workers who are exempt under the FLSA. The discussion included a recommendation to develop a consistent standard.
4. The discussion included a consideration of eliminating longevity pay for elected officials. It was noted by H.R. Unlimited that it was not something that they had encountered with other public clients.
5. The discussion included an examination of the manner in which on call workers are treated, whether they are engaged to wait or waiting to be engaged. The discussion included exploring the introduction of an on-call stipend.
6. The discussion included an examination of provision in the Compensation and Benefits Ordinance that provided for pay for a worker temporarily replacing a worker in position at a higher rate of pay. The discussion included a suggestion that the time before the higher rate is triggered be extended to 90 or 120 days.

7. The discussion included an examination of provision in the Compensation and Benefits Ordinance that provided for additional cash awards at year-end for longevity. The discussion included an examination of adding that to longevity in some way or other alternatives.
8. The discussion included an examination of provision in the Compensation and Benefits Ordinance that provided for severance pay upon retirement, a provision that the consultants suggested was unusual among their public clients.
9. The discussion included an examination of provision in the Compensation and Benefits Ordinance that provided for medical paid disability time and sickness. The provisions in their construction and being not covered by a disability insurance, the consultants suggested was unusual among their public clients.

There being no further business to discuss, the study session immediately following the plenary business meeting of the Twenty-Sixth Town Council of the Town of Highland, of Monday, November 15, 2010, was adjourned at 10:45 p.m.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer